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RESPONSE UNDER 37 C.F.R. 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 3733

PATENT
Attorney Docket No. 101.0093-01000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Gary K. Michelson
Serial No.: 10/675,820
Filed: September 30, 2003
For: DYNAMIC GUARD

) Confirmation No.: 6670
)
) Group Art Unit: 3733
) Examiner: James Swiger III
)

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY TO FINAL OFFICE ACTION

In reply to the Office Action dated February 12, 2007, and pursuant to 37 C.F.R. § 1.116, the following remarks are submitted:

The Examiner rejected claims 1-30 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-2, 8-9, 11-16, 21, 38, 41-42, 44-45, 48-51, 53-55, 56-57, 59-63, and 65 of U.S. Patent No. 6,896,680. Applicant is submitting concurrently with this Reply a Terminal Disclaimer of the terminal part of any patent granted in the present application which would extend beyond the expiration of U.S. Patent No. 6,896,680. Applicant submits that the obviousness-type double patenting rejection has been overcome.

In the Office Action, the Examiner rejected claims 1-28 under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2003/0135220 to Cauthen ("Cauthen"). According to MPEP § 706.02, "for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly." As discussed below, Cauthen does not teach every limitation as claimed in independent claim 1. As

Reply to Final Office Action 02-28-07.doc